

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Emery B Gurbal
Brittany R Gurbal
fka Brittany R Kyler**
Debtor(s)

Bankruptcy Case No.: 18-70827-JAD
Issued Per Jan. 18, 2019 Proceeding
Chapter: 13
Docket No.: 18 - 2
Concil. Conf.: June 13, 2019 at 03:00 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated November 29, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jun. 13, 2019 at 03:00 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Only counsel for a Johnstown Debtor(s) in the Johnstown area may participate in plan conciliation conferences by telephone. Counsel for the Debtor outside of the Johnstown area may appear telephonically, ONLY IF Counsel for the Debtor is responsible for originating the telephone call to the Chapter 13 Trustee's meeting room, by calling, 412-258-3557 at the time designated for the conciliation conference. If applicable as stated above, any party filing an objection to the plan must make arrangements with counsel for the Debtor to be included in the call, utilizing a third-party conference call service if necessary. The call shall not be placed to the Trustee's meeting room until AFTER all parties have been

connected to the call. Only the parties who file and serve timely objections will be included in the telephonic hearing.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: January 30, 2019

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 5 of 6
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Emery B Gurbal
 Brittany R Gurbal
 Debtors

Case No. 18-70827-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: jhel
 Form ID: 149

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 Total Noticed: 44

Date Rcvd: Jan 30, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 01, 2019.

db/jdb
 14956546 +Emery B Gurbal, Brittany R Gurbal, 612 Fletcher Road, Clearfield, PA 16830-3421
 14981842 +American Express, P.O. Box 981537, El Paso, TX 79998-1537
 American Express National Bank, c/o Becket and Lee LLP, PO Box 3001,
 Malvern PA 19355-0701
 14956547 +Barclays Bank, P.O. Box 8803, Wilmington, DE 19899-8803
 14956548 +Bureau Of Account Mana, 3607 Rosemont Ave Ste 50, Camp Hill, PA 17011-6943
 14956551 +CBCS, P.O. Box 2724, Columbus, OH 43216-2724
 14978281 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 14956552 +Chna, 1800 Tapo Canyon Road, Mail Stop #SV-103, Simi Valley, CA 93063-6712
 14956553 +Chase, Cardmember Service, P.O. Box 15123, Wilmington, DE 19886-5123
 14956554 +Citi Cards, P.O. Box 6500, Sioux Falls, SD 57117-6500
 14985134 Directv, LLC, by American InfoSource as agent, PO Box 5008, Carol Stream, IL 60197-5008
 14956557 +First Premier Bank, Credit Card Department, P.O. Box 5519, Sioux Falls, SD 57117-5519
 14956558 +Holiday Financial Serv, 1800 Daisy Street Ext St, Clearfield, PA 16830-3265
 14956559 +I C System, Po Box 64378, Saint Paul, MN 55164-0378
 14956560 +Joshua McNamara, Esquire, Hayt, Hayt & Landau, LLC, Two Industrial Way West,
 Eatontown, NJ 07724-2279
 14956563 +Macy's Visa, P.O. Box 183083, Columbus, OH 43218-3083
 14983738 +PHEAA, PO BOX 8147, HARRISBURG PA 17105-8147
 14956566 #+Penn Credit Corporatio, 916 S 14th St, Harrisburg, PA 17104-3425
 14956567 +Pheaa, Po Box 61047, Harrisburg, PA 17106-1047
 14956575 +Td Bank Usa/targetcred, Po Box 673, Minneapolis, MN 55440-0673
 14956576 +The Bureaus Inc, 1717 Central St, Evanston, IL 60201-1507
 14982517 Wells Fargo Bank, N.A., PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438
 14956577 +Wells Fargo Card Services, MAC N8235-040, 7000 Vista Drive,
 West Des Moines, IA 50266-9310

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14972571 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 31 2019 02:49:03
 Bureaus Investment Group Portfolio No 15 LLC, c/o PRA Receivables Management, LLC,
 PO Box 41021, Norfolk VA 23541-1021
 14956549 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jan 31 2019 02:37:44 Capital One,
 15000 Capital One Dr, Richmond, VA 23238
 14971214 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jan 31 2019 02:38:07
 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14956550 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jan 31 2019 02:37:24
 Capital One Bank, N.A., P.O. Box 71083, Charlotte, NC 28272-1083
 14956555 +E-mail/Text: vmcpherson@creditmanagementcompany.com Jan 31 2019 02:29:48
 Credit Management Co, 2121 Noblestown Rd, Pittsburgh, PA 15205-3956
 14956556 +E-mail/Text: mrdiscen@discover.com Jan 31 2019 02:28:40 Discover, P.O. Box 71084,
 Charlotte, NC 28272-1084
 14960869 E-mail/Text: mrdiscen@discover.com Jan 31 2019 02:28:40 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 14956561 +E-mail/Text: bnckohlnotices@becket-lee.com Jan 31 2019 02:28:45 Kohls/capone,
 N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-7096
 14956562 +E-mail/Text: bk@lendingclub.com Jan 31 2019 02:29:52 Lending Club,
 71 Stevenson, Suite 300, San Francisco, CA 94105-2985
 14978316 +E-mail/Text: bankruptcydpt@mcsmc.com Jan 31 2019 02:29:23 MIDLAND FUNDING LLC,
 PO Box 2011, Warren, MI 48090-2011
 14956564 +E-mail/Text: bankruptcydpt@mcsmc.com Jan 31 2019 02:29:23 Midland Funding,
 2365 Northside Dr Ste 30, San Diego, CA 92108-2709
 14956565 +E-mail/Text: Bankruptcies@nragroup.com Jan 31 2019 02:30:15 National Recovery Agen,
 2491 Paxton St, Harrisburg, PA 17111-1036
 14958784 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 31 2019 02:37:27
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14956569 +E-mail/Text: bankruptcynotices@psecu.com Jan 31 2019 02:29:57 PSECU, P.O. Box 67013,
 Harrisburg, PA 17106-7013
 14956568 +E-mail/Text: steve@priorityfirstfcu.org Jan 31 2019 02:28:40
 Priority First Federal Credit Union, 364 Midway Drive, DuBois, PA 15801-3864
 14968541 +E-mail/Text: bankruptcyteam@quickenloans.com Jan 31 2019 02:29:44 Quicken Loans Inc.,
 635 Woodard Avenue, Detroit, MI 48226-3408
 14956570 +E-mail/Text: bankruptcyteam@quickenloans.com Jan 31 2019 02:29:44 Quicken Loans, Inc.,
 1050 Woodward Avenue, Detroit, MI 48226-1906
 14956571 +E-mail/PDF: gecsedirecoverycorp.com Jan 31 2019 02:37:20 Synchrony Bank, P.O. Box 960061,
 Orlando, FL 32896-0061
 14956572 +E-mail/PDF: gecsedirecoverycorp.com Jan 31 2019 02:37:39 Synchrony Bank/Lowes,
 P.O. Box 530914, Atlanta, GA 30353-0914
 14956573 +E-mail/PDF: gecsedirecoverycorp.com Jan 31 2019 02:37:20 Synchrony Bank/Sam's Club,
 P.O. Box 965005, Orlando, FL 32896-5005
 14956574 +E-mail/PDF: gecsedirecoverycorp.com Jan 31 2019 02:37:40 Synchrony Bank/Walmart,
 P.O. Box 960024, Orlando, FL 32896-0024

TOTAL: 21

District/off: 0315-7

User: jhel
Form ID: 149

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Total Noticed: 44

Date Rcvd: Jan 30, 2019

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Quicken Loans Inc.
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTALS: 1, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 01, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 30, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Quicken Loans Inc. bkgroup@kmlawgroup.com
Kenneth P. Seitz on behalf of Joint Debtor Brittany R Gurbal thedebterasers@aol.com
Kenneth P. Seitz on behalf of Debtor Emery B Gurbal thedebterasers@aol.com
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5